

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 23 DEC 2005

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Applicant's or agent's file reference 59125WO003		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/US2004/038260		International filing date (day/month/year) 16.11.2004	Priority date (day/month/year) 19.11.2003	
International Patent Classification (IPC) or national classification and IPC C09J7/00, C09J7/02				
Applicant 3M INNOVATIVE PROPERTIES COMPANY et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 16.09.2005		Date of completion of this report 23.12.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Oudot, R Telephone No. +31 70 340-2407		



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US2004/038260

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-22 as originally filed

Claims, Numbers

1-7 as originally filed

Drawings, Sheets

1/1 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2004/038260

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-7
	No: Claims	
Inventive step (IS)	Yes: Claims	1-7
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1 Reference is made to the following document:

D1 : WO 98/13199 A (AVERY DENNISON CORPORATION; MIEKKA,
FREDERICK, N; SCHOLZ, WILLIAM, F;) 2 April 1998 (1998-04-02)

2

Novelty Article 33(2) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

A detackified pressure sensitive adhesive. The 20 microns thick adhesive is supported on a release sheet. A 10 microns thick detackifying coating is applied on the surface of the adhesive.

The subject-matter of claim 1 differs from this known D1 in that:

- the adhesive of D1 is not a blend of hot melt adhesive and film forming polymer,
- the thickness of the adhesive layer of D1 is outside the range claimed in the application,
- the stress tests according to JIS K7115 have not been measured in D1.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

Dependent claims 2-7 are therefore also new.

3

Inventive step Article 33(3) PCT.

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1.

The problem to be solved by the present invention may be regarded as:

- producing a self supported adhesive tape with high tear strength and having one

non tacky side, in particular for eliminating the discomfort generated by the liner in case of a medical use.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

- Adhesives for medical use are traditionally supported on a paper or polymeric liner in order to avoid adhesion of the free surface.
- No document, alone or in combination could lead the skilled person to the idea of applying a detackifying coating on a linerless adhesive.

Claims 2-7 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to inventive step.

Re Item VIII.

Clarity Article 6 PCT.

The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear.

Claim 1 discloses a single coated adhesive tape, containing a hot melt adhesive component.

It is not clear whether the expression "hot melt" indicates the way of preparing the adhesive by melting (or thermoplasticity) or if, just before use, the composition has to be preheated in order to become tacky and adhesive (or thermal activatability).

It appears from the description, page 1, lines 1-21 that the adhesive tape of the invention is intended for medical use, which is rather incompatible with a thermoactivatable adhesive having a melting temperature of 140°C to 165°C as in example 1, page 12.